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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,857	09/30/2003	Petteri Saarinen	944-001.116/NC28816US	4619
4955 7590 11/09/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER WINTER, JOHN M	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 11/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,857	Applicant(s) SAARINEN ET AL.	
	Examiner John M. Winter	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41, 63, 64, 67-69 and 72-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41, 63-64, 67-69 and 72-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/17/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Acknowledgements

The Applicants amendment filed on August 11, 2007 is acknowledged, Claims 1-41, 63-64, 67-69 and 72-74 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-41, 63-64, 67-69 and 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Lee (US Patent 2002/0111909) in view of Izumoto (US Patent Application Publication 2002/0004762).

agf

As per claim 1,

Lee ('909) discloses a method for providing an active ticket in a mobile terminal for use by a mobile terminal user,

characterized in that at least one active ticket has a ticket characteristic

dynamically changes based on one or more states in a life cycle of the active ticket.

(Paragraph 39)

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wherein a ticket service provider provides future ticket characteristic information to the mobile terminal that determines and/or activates the ticket characteristic; wherein the ticket characteristic information includes ticket characteristic control data, a ticket characteristic algorithm, a new set of ticket related media or a combination thereof; and wherein the at least one active ticket is validated using visual or audio validation based on the ticket characteristic.

(Paragraphs 38-39)

Lee ('909) does not explicitly disclose providing a host operating system. Izumoto ('762) discloses providing a host operating system (paragraph 114). It would be obvious to one having ordinary skill in the art at the time of the invention to combine Lee ('909) method with Izumoto ('762)'s teaching in order to allow a user to interact with the device.

As per claim 2,

Lee ('909) discloses a method according to claim 1,

wherein dynamic changes to the ticket characteristic include multimedia changes or other presentation data, including text, sound, animation, video, still pictures, or some combination thereof. (Paragraph 39)

As per claim 3,

Lee ('909) discloses a method according to claim 1,

wherein the one or more states in the life cycle include a state of being either purchased, validated, invalidated, template, pre-valid, prepared, or some combination thereof for one or more different events. (Paragraph 41-42)

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As per claim 4,

Lee ('909) discloses a method according to claim 1,

wherein the ticket characteristic dynamically changes based on a payment by the user of the mobile terminal. (Paragraphs 38-39)

As per claim 5,

Lee ('909) discloses a method according to claim 1,

wherein the ticket characteristic dynamically changes based on a predetermined time, status or combination thereof. (Paragraphs 38-39)

As per claim 6,

Lee ('909) discloses a method according to claim 1,

wherein the ticket characteristic dynamically changes based on a predetermined or changing geographic location. (Paragraphs 38-39)

As per claim 7,

Lee ('909) discloses a method according to claim 1,

wherein the ticket characteristic dynamically changes based on a purchase transaction between a user of the mobile terminal and a ticket service provider. (Paragraphs 38-39)

As per claim 8,

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Lee ('909) discloses a method according to claim 31,
wherein a ticket service provider provides future ticket characteristic information to the mobile terminal that determines and/or activates the ticket characteristic. (Paragraphs 38-39)

As per claim 9,
Lee ('909) discloses a method according to claim 8,
wherein the ticket characteristic information includes ticket characteristic control data, a ticket characteristic algorithm, a new set of ticket related media or a combination thereof.
(Paragraphs 38-39)

As per claim 10,
Lee ('909) discloses a method according to claim 1,
wherein the ticket characteristic control data includes new control data to change the ticket characteristic algorithm or other presentation data, including new parameter values.(Paragraphs 38-39)

As per claim 11,
Lee ('909) discloses a method according to claim 1,
wherein the control data is received at a certain time and/or location, or just before the at least one active ticket is to be used. (Paragraphs 38-39)

As per claim 12,

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Lee ('909) discloses a method according to claim 1,
wherein the control data is sent to only legally purchased tickets based on a respective
identification code associated with a respective mobile terminal. (Paragraphs 37-41)

As per claim 13,
Lee ('909) discloses a method according to claim 9,
wherein the at least one active ticket is validated using visual or audio validation based
on the ticket characteristic. (Paragraph 41)

As per claim 14,
Lee ('909) discloses a method according to claim 13,
wherein the visual or audio validation is performed by either a human, or a machine, or
some combination thereof. (Paragraph 41)

As per claim 15,
Lee ('909) discloses a method according to claim 1,
wherein the I ticket service provider provides the ticket characteristic information to the
mobile terminal via the Internet or a mobile network. (Paragraph 38)

As per claim 16,
Lee ('909) discloses a method according to claim 1,

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Lee does not specifically disclose “the ticket service provider provides the ticket characteristic information to the mobile terminal using a Java-based protocol, e.g. MIDP Over-the-Air approach.” Official Notice is taken that “the ticket service provider provides the ticket characteristic information to the mobile terminal using a Java-based protocol, e.g. MIDP Over-the-Air approach.” is common and well known in prior art in reference to transaction protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide ticket characteristic information to the mobile terminal using a Java-based protocol in order to increase the compatibility of the system with a larger number of commercially available phones.

Claim 17 is in parallel with claim 16 and is rejected for at least the same reasons.

As per claims 18 -20,

Lee ('909) discloses a method according to claim 1, Lee does not specifically disclose “wherein the ticket characteristic is an audio ticket characteristic and the audio validation is based a relative frequency change” Official Notice is taken that “wherein the ticket characteristic is an audio ticket characteristic and the audio validation is based a relative frequency change as well as an audio watermark embedded therein using a secret key..” is common and well known in prior art in reference to transaction protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an audible signal in conjunction with a watermark for ticket validation in order to prevent forging of the ticket.

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As per claim 22,

Lee ('909) discloses a method according to claim 21,

wherein the at least one active ticket is implemented using a protocol based on Mobile electronic Transactions (MET), including the MeT ticket format. (Paragraph 38 [Examiner notes ticket is based on a specification for a transaction])

As per claim 22,

Lee ('909) discloses a method according to claim 21,

wherein the MeT ticket format contains only a template for a pre-valid active ticket.

(Paragraph 38)

As per claim 23,

Lee ('909) discloses a method according to claim 21,

wherein the mobile transaction (MET) ticket format contains valid ticket information for a valid active ticket. (Paragraphs 35-37)

As per claim 24,

Lee ('909) discloses a method according to claim 23,

wherein the valid ticket information is removed from the MeT ticket for a used active ticket. (Paragraph 44)

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Claims 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 63, 64, 67, 68, 69, 72, 73 and 74 are in parallel with claims 1-24, contain the same claimed features and are rejected for at least the same reasons.

Response to Arguments

The Applicant's arguments entered on August 11, 2007 have been fully considered.

The Amended claims are rejected as being unpatentable over Lee (US Patent 2002/0111909) in view of Izumoto (US Patent Application Publication 2002/0004762).

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter

Patent Examiner -- 3621



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